

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DIANA HERSHCHUK MURPHY,

Plaintiff,

vs.

MACK-CALI REALTY CORPORATION,

Defendant.

CASE NO. 7:20-cv-04102-VB

Civil Action

**DEFENDANT'S RESPONSE TO  
PLAINTIFF'S FIRST REQUEST FOR  
THE PRODUCTION OF DOCUMENTS**

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COUNSEL:

Pursuant to FED. R. CIV. P. 34 and L. CIV. R. 34.1, Defendant Mack-Cali Realty Corporation ("Mack-Cali" or "Defendant") responds as follows to Plaintiff Diana Hershchuk's ("Plaintiff") First Requests for Production of Documents, subject to the general objections, comments and qualifications set forth herein.

KLUGER HEALEY, LLC  
Attorneys for Defendant

By:   
\_\_\_\_\_  
LANCE N. OLITT

DATED: February 8, 2021

**GENERAL OBJECTIONS, COMMENTS AND QUALIFICATIONS**

1. Defendant objects to each request for production to the extent they seek information subject to the attorney/client, work product, or any other privilege. If any privileged information is disclosed by Defendant in response to any request, the disclosure is inadvertent. Defendant reserves the right to recall at any time any information inadvertently disclosed to which any privilege attached.

2. Defendant objects to each request for production to the extent they are overly broad, oppressive, unduly burdensome, and/or seek information which are neither relevant to the subject of this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence.

3. Defendant has made reasonable efforts to provide information responsive to the instant requests, but reserves the right to supplement and/or amend any and all responses.

4. Defendant objects to each request for production to the extent they seek to impose obligations not found in the Federal Rules of Civil Procedure or the Local Civil Rules of the United States District Court for the Southern District of New York.

5. In providing information in response to any request for production, Defendant does not concede that such information is relevant to the subject of this lawsuit or that such information is reasonably calculated to lead to the discovery of admissible evidence.

6. Defendant reserves the right to object to the use of any information provided in response to Plaintiffs' notice to produce on the grounds of relevancy, competency, materiality or any other proper grounds. In providing information in response to any request, Defendant does not waive any objection to any other discovery request involving or relating to the instant request for documents.

7. Defendant objects to each request for production insofar as they utilize undefined terms which are vague, ambiguous, confusing and/or has no relationship to the allegations in the parties'

pleadings.

8. Defendant objects to each request for production insofar as they assume inaccurate facts and/or state a legal conclusion.

9. Defendant reserves the right to revise, correct, add to or clarify any of their responses herein.

**SPECIFIC RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS**

1. Murphy's entire personnel file.

**RESPONSE:**

See documents produced herewith.

2. Documents sufficient to show Murphy's base compensation during each year in which Mack-Cali employed her.

**RESPONSE:**

See documents produced herewith.

3. Documents sufficient to show Murphy's bonus compensation during each year in which Mack-Cali employed her.

**RESPONSE:**

See documents produced herewith.

4. Each of Murphy's job descriptions throughout her employment.

**RESPONSE:**

No documents responsive to this request are believed to be in Mack-Cali's possession or control other than what may be contained in those documents produced herewith.

5. All documents concerning evaluations of Murphy's performance as an employee of Mack-Cali.

**RESPONSE:**

See documents contained in Plaintiff's personnel file and produced herewith.

6. Mack-Cali's document retention policies and guidelines.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it seeks information that is neither relevant nor calculated to lead to the disclosure of admissible evidence.

7. All documents concerning the decision that resulted in Mack-Cali terminating the employment of employees on July 17, 2014.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague and ambiguous in, among other things, the use of the word “concerning.” The request is further objected to on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the disclosure of admissible evidence. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

8. All documents concerning how Mack-Cali carried out the termination of employees’ employment on July 17, 2014.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague and ambiguous in, among other things, the use of the phrase “carried out.” The request is further objected to on the grounds that it is overbroad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the disclosure of admissible evidence.

9. All documents concerning the loan from Murphy’s retirement plan to Murphy.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it seeks information that is neither relevant nor calculated to lead to the disclosure of admissible evidence. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

10. All documents concerning the Mack-Cali Advantage Program from January 1, 2014, through December 31, 2019.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the disclosure of admissible evidence. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

11. All documents concerning Mack-Cali's decision to end the Mack-Cali Advantage Program.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, overbroad, and seeks information that is neither relevant nor calculated to lead to the disclosure of admissible evidence. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

12. Each analysis of the Mack-Cali Advantage Program from January 1, 2012, through December 31, 2019.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the disclosure of admissible evidence. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

13. Each version of the page on Mack-Cali's website, during the period January 1, 2012, through December 31, 2019, that described the Mack-Cali Advantage Program. Produce each version of the page in html or mhtml format.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, overbroad, unduly burdensome, and seeks information that is neither relevant nor calculated to lead to the disclosure of admissible evidence. Notwithstanding and without waiving the foregoing objections, Mack-Cali states that it is not in possession of documents responsive to this request.

14. Streiter's application for employment at Mack-Cali, including all supporting documents.

**RESPONSE:**

See documents produced herewith.

15. Streiter's entire personnel file.

**RESPONSE:**

See documents produced herewith.

16. Documents sufficient to show Streiter's base compensation for each year in which Mack-Cali employed him.

**RESPONSE:**

See documents produced herewith.

17. Documents sufficient to show Streiter's bonus compensation for each year in which Mack-Cali employed him.

**RESPONSE:**

See documents produced herewith.

18. Streiter's job description when Mack-Cali hired him and each subsequent job description throughout his employment by Mack-Cali.

**RESPONSE:**

See documents produced herewith.

19. All documents concerning evaluations of Streiter's performance as an employee of Mack-Cali.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it seeks information that is neither relevant nor calculated to lead to the disclosure of admissible evidence. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff those documents contained in Mr. Streiter's personnel file and produced herewith.

20. All documents that Mack-Cali sent to the U.S. Equal Employment Opportunity Commission concerning Murphy's claim against Mack-Cali for unlawful discrimination in employment.

**RESPONSE:**

See documents produced herewith.

21. All documents concerning the second defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

22. All documents concerning the third defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

23. All documents concerning the fourth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

24. All documents concerning the fifth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

25. All documents concerning the sixth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.



26. All documents concerning the seventh defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

27. All documents concerning the tenth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

28. All documents concerning the eleventh defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

29. All documents concerning the twelfth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

30. All documents concerning the fourteenth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and

is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

31. All documents concerning the fifteenth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

32. All documents concerning the sixteenth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

33. All documents concerning the seventeenth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

34. All documents concerning the eighteenth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

35. All documents concerning the nineteenth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

36. All documents concerning the twentieth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

37. All documents concerning the twenty-first defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

38. All documents concerning the twenty-second defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

39. All documents concerning the twenty-third defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and

is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

40. All documents concerning the twenty-fourth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.

41. All documents concerning the twenty-fifth defense alleged in the Answer.

**RESPONSE:**

Mack-Cali objects to this request on the grounds that it is vague, ambiguous, seeks to improperly shift Plaintiff's burdens to Mack-Cali, seeks to have Mack-Cali disclose litigation strategies, and is premature in that discovery is ongoing. Notwithstanding and without waiving the foregoing objections, Mack-Cali refers Plaintiff to those documents produced herewith.